

REMARKS

Claims 1-20 are pending in the application.

Claims 1-20 have been rejected.

I. REJECTION UNDER 35 U.S.C. § 103 (a)

Claims 1-20 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 7,123,674 to Mackey, *et al.* (hereinafter "Mackey"). The rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-125 (8th ed. rev. 5 August 2006). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

The Applicant respectfully submits that Mackey fails to teach or suggest all the claim elements of Claim 1. Specifically, Claim 1 recites, "*a repeater for inducing changes in the value of the control signal wherein the repeater is operable with a single input.*"

In response to previously submitted arguments relating to the "repeater" for inducing changes in the value of the control signal wherein the repeater is operable with a single input, the Office Action dated November 20, 2009 concedes on Pg. 3 that "Mackey does not teach a repeater for inducing changes in the value of the control signal wherein the repeater is operable with a single input." In an attempt to cure this deficiency, the Examiner states that "[i]t would have been obvious to one of ordinary skill in the art to have included a repeater to induce changes in the value of the source enable because a repeater can simply be an inverter." The

Applicant respectfully disagrees that a "repeater can simply be an inverter".

Claim 1 expressly recites a "repeater" not an "inverter". The repeater of the present disclosure may "amend[s] the value of control signal CR1" (present disclosure, Para [0023]). Such amending may be used to "obtain the second stage CR2" (*id*). Such an amending would not be possible through the use of an inverter. Therefore, it is respectfully submitted that the "repeater" of Claim 1 is not taught, suggested, or anticipated by an inverter.

In addition, the Examiner further concedes on Page 3 of the Office Action that "Mackey teaches a control signal ... in which the value is not changed." In contrast to a control signal that does not change, Claim 1 expressly recites "a repeater for inducing changes in the value of the control signal." The signal found in Mackey does not change, while the signal of the present Claims 1, 11, and 18 is configured to change using a repeater. Even if the Applicant were to accept the Examiners characterization of the "repeater" as an "inverter," there is no motivation within Mackey to introduce such an element into the control chain of Mackey.

Furthermore, the element 315 in Mackey relied upon by the Examiner to anticipate the "repeater" is a signal which is fed with at least two other signals into another element. The Applicants respectfully note that the signal 315 is used in conjunction with at least two other signals, and does not provide "*changes in the value of the control signal*" ... "*with a single input.*" For example, as shown in Figure 4 of Mackey, the signal 315 is used with a SCLCK (unnumbered in Mackey), and source event 333. The "control signal" is not operable with a "*with a single input.*" Element 334 in Figure 4 of the present disclosure illustrates the "control signal" with a "*with a single input.*"

Moreover, there has been no showing of where an inverter is found in the prior art of record in conjunction a control chain for generating a control signal. The Applicant respectfully submits that it is improper to simply choose an electrical element, insert it into the applicant's structure, and then claim it would be obvious to make a modification to include the structure. Accordingly, the Applicant respectfully submit that Claim 1 is patentable over Mackey.

Independent Claims 10 and 18 recite elements analogous to the novel elements emphasized above in traversing the rejection of Claim 1 and, therefore, also are patentable over

Mackey. Additionally, Claims 2-9, 11-17 and 19-20 depend from Claims 1, 10, and 18, respectively, and include all the elements of their respective base claims. As such, Claims 2-9, 11-17 and 19-20 also are patentable over Mackey.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of Claims 1-20.

II. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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